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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

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8 CITY OF OAKLAND, No. C-07-2142 EMC

9 Plaintiff,

10 v.

11 WILLIAM ABEND, *et al.*,

12 Defendants.

13 / **ORDER RE JUNE 13, 2007, HEARING
14 ON CITY OF OAKLAND'S MOTIONS
15 TO DISMISS**

16 **(Docket Nos. 4, 7)**

17 The Court hereby orders the parties to be prepared to address the following questions at the
18 June 13, 2007, hearing on the City of Oakland's motions to dismiss.

19 (1) What deprivation of property (if any) occurred when:
20 (a) The City initially declared the Abends' property a nuisance on or about May 18, 2006
21 (*i.e.*, in the "30 Day Notice to Abate" letter)?
22 (b) The Abends' administrative appeal was denied?
23 (2) What enforcement steps can the City take to abate a nuisance short of a lawsuit?
24 (3) Does the Supreme Court's recent decision *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955
25 (2007), affect the analysis of the sufficiency of the Abends' complaint?

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1 (4) Is the Abends' takings claim premature to the extent that the Court must first adjudicate the
2 City's nuisance enforcement action in order to determine *e.g.*, whether there is a takings?

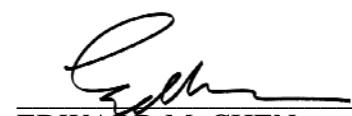
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4 IT IS SO ORDERED.

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6 Dated: June 11, 2007

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EDWARD M. CHEN
United States Magistrate Judge

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